

### **REMARKS**

It is first noted that a Request for Corrected Filing Receipt was submitted on March 13, 2006. In particular, the Request indicated that the filing date on the filing receipt should be changed from January 19, 2006 to January 18, 2006, so as to correspond to the date on which a response was filed regarding the Notification of Missing Requirements issued on November 18, 2005.

However, in the Decision issued on December 10, 2007, the Request was denied. In particular, the PCT Legal Examiner indicated that some of the documents submitted in response to the Notification of Missing Requirements were stamped as being received by the USPTO on January 19, 2006 (*i.e.*, the “Mailroom Date”). Therefore, the PCT Legal Examiner concludes that the official record suggests that some of the documents at issue were filed on January 19, 2006 instead of January 18, 2006. In this regard, the Examiner suggests that additional evidence be provided (*e.g.*, the postcard) to support a renewed request for modification of the filing date.

It is noted that a copy of the postcard receipt regarding the response to the Notification of Missing Requirements is attached to this reply. In particular, it is noted that the postcard is stamped as being received by the USPTO on January 18, 2006. Accordingly, it is respectfully submitted that the response to the Notification of Missing Requirements was filed on January 18, 2006.

Further, the PCT Legal Examiner notes that the electronic fee records show a payment of \$400.00 in claims fees with a “Mailroom Date” of January 18, 2006, but also show the payment of the \$130.00 processing fee with a “Mailroom Date” of January 19, 2006. Therefore, the PCT Legal Examiner concludes that “the official record suggests that the correspondence and fee at issue were in fact filed on the 19<sup>th</sup>, rather than the 18<sup>th</sup>.”

However, it is noted that item 7 of the postcard receipt includes a check in the amount of \$530.00 (which includes both the \$400.00 claims fee and the \$130.00 processing fee). As stated above, the postcard receipt is stamped as being received by the USPTO on January 18, 2006, and therefore the check in the amount of \$530.00 (*i.e.*, payment of both the \$400.00 claims fee and the \$130.00 processing fee) is also acknowledged as being received on January 18, 2006. Therefore, the “Mailroom Date” of January 19, 2006 regarding the \$130.00 processing fee

appears to be incorrect, as the USPTO has acknowledged receipt of the \$130.00 processing fee on January 18, 2006 as evidenced by the postcard receipt.

Therefore, it is respectfully submitted that the response to the Notification of Missing Requirements was timely filed on January 18, 2006, and it is respectfully requested that a corrected filing receipt be issued which lists the filing date as January 18, 2006 instead of January 19, 2006.

In addition, it is noted that on page 2 of the Decision, the PCT Legal Examiner asserts that because the due date for the response to the Notification of Missing Requirements was January 18, 2006, the filing of the response on January 19, 2006 requires a one month extension in order for the response to be considered timely filed. Therefore, the \$120.00 fee for the one month extension has been charged to Deposit Account 23-0975. However, as discussed above, the response to the Notification of Missing Requirements was timely filed on January 18, 2006, and therefore it is respectfully submitted the a one month extension is not necessary for the response to be considered timely filed. In this regard, a Request for Refund of the \$120.00 fee has also been submitted, under separate cover, along with this reply.

Respectfully submitted,

Takuya MATSUMOTO et al.

By: 

Walter C. Pledger  
Registration No. 55,540  
Attorney for Applicants

WCP/lkd  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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